

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

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JONATHON A. MOSELEY,)
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Plaintiff,)
)
)
v.) Case No. 1:20-cv-1248 (AJT/JFA)
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)
JUDGE RICHARD E GARDINER, *et al.*,)
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)
Defendants.)
)

ORDER

This matter is before the Court on the Report and Recommendation [Doc. No. 51] of the Magistrate Judge recommending that Plaintiff Jonathon A. Moseley has violated Federal Rule of Civil Procedure 11 and that an appropriate sanction¹ is for him to pay attorney's fees in the amount of \$7,290.00 to Defendants Robert L. Vaughn and Solution Painting, Inc.² The Magistrate Judge advised the parties that objections to the Proposed Findings of Fact and Recommendations must be filed within fourteen (14) days of service and that failure to object waives appellate review. On July 20, 2021, Defendants filed their objections arguing, *inter alia*, "that the sanctions recommended against the Plaintiff are insufficient to deter Plaintiff from further frivolous litigation and as a sanction for his blatant violations of Fed. R. Civ. P. 11." [Doc. Nos. 52-53] (the "Defendants' Objections" or "Defs.' Obj.") at 1. On July 30, 2021,

¹ Defendants filed two identical joint motions for sanctions. [Doc. Nos. 36, 38].

² The Magistrate Judge also noted that he could not "recommend a date certain by which plaintiff must pay an monetary sanctions because the District Judge will ultimately decide whether to impose monetary sanctions . . . [and] defer[ed] to the District Judge regarding whether to prohibit plaintiff from filing any further action in this Court against movants without prior permission from a judge of this Court." [Doc. No. 51] at 14.

Plaintiff filed his Objection to Magistrate's Proposed Findings of Fact and Recommendations of Defendant's Motion for Sanctions. [Doc. No. 54].

Having conducted a *de novo* review of the evidence in this case, the Court adopts and incorporates the findings and recommendations of the Magistrate Judge. The Court also determines that payment of the fees awarded herein by a date certain is warranted but given that this is the first lawsuit Plaintiff has filed in this Court against these Defendants, an injunction against the filing of future actions is not warranted at this time. Accordingly, it is hereby

ORDERED that the Report and Recommendation [Doc. No. 51], and the proposed findings therein, be, and the same hereby are, **ADOPTED**, with the Court thereby concluding that Plaintiff Jonathon A. Moseley has violated Fed. R. Civ. P 11 and an appropriate sanction is warranted; and it is further

ORDERED that Defendants Robert L. Vaughn and Solution Painting, Inc.'s Motions for Rule 11 Sanctions [Doc. Nos. 36, 38] be, and the same hereby are, **GRANTED** in part and **DENIED** in part. They are GRANTED to the extent that Plaintiff Jonathon A. Moseley is hereby ORDERED to pay to Defendants Robert L. Vaughn and Solution Painting, Inc within 30 days of this Order the amount of \$8,977.50 (consisting of the amount of \$7,290.00, recommended by the Magistrate Judge, and \$1,687.50 in additional fees incurred in connection with this Rule 72 proceeding); and it is otherwise **DENIED**.

The Clerk is directed to forward copies of this Order to all counsel of record and *pro se* Plaintiff at his address in the record.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
August 16, 2021